



EFW
APR 9 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of: Johnson et al.)

Application No.: 10/624,066)

Examiner: Not yet assigned

Filed: July 21, 2003)

Art Unit: 3732

TISSUE DISTRACTION DEVICE)

July 16, 2004

SECOND PRELIMINARY AMENDMENT

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

Prior to examination of the above-identified application, Applicants respectfully request that the following amendment to the claims be entered. No Office Action has been received in this case. This Preliminary Amendment adds fourteen (14) new claims, with two (2) new independent claims. The Commissioner is requested to charge the fees under 37 C.F.R. 1.16(b),(c) in the amount of \$212.00 (two hundred and twelve dollars) to Deposit Account 13-0014. This fee includes the fee of \$86.00 (2 x \$43.00) for the two additional independent claims and the fee of \$126.00 (14 x \$9.00) for the fourteen additional claims. The Commissioner is authorized to credit any overpayment or deduct any additional amounts from Deposit Account 13-0014.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:
Commissioner for Patents, P.O. Box 1450, Arlington, VA 22313-1450 on July 16, 2004.

Michael D. Beck

Name of person mailing Document or Fee

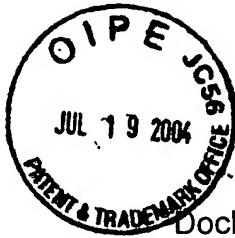
Michael D. Beck

July 16, 2004

Date of Signature

07/20/2004 EAREGAY1 00000046 130014 10624066

01 FC:2201 86.00 DA
02 FC:2202 117.00 DA



TRANSMITTAL LETTER FOR PRELIMINARY AMENDMENT

Docket No.: **1842-0018**

In re patent application of: **Johnson et al.**

Serial No.: **10/624,066**

Filing Date: **July 21, 2003**

Examiner: **To be assigned**

Group Art Unit: **3732**

For: **Tissue Distraction Device**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 16, 2004

(Date of Deposit)

Michael D. Beck

Name of person mailing Document or Fee

A handwritten signature in black ink that appears to read "Michael D. Beck".

Signature of person mailing Document or Fee

July 16, 2004

Date of Signature

TO THE COMMISSIONER FOR PATENTS:

Transmitted herewith is a Preliminary Amendment in the above-identified patent application

CLAIMS AS AMENDED

| | Claims Remaining After Amendment | Highest No. Paid For | Fee Calculation | Addit Fee |
|-------------------------------|-------------------------------------|-------------------------|--------------------|--------------|
| Total Claims | 80 | 67 | 13 X 9 | \$ 126.00 |
| Independent Claims | 7 | 5 | 2 X 43 | \$ 86.00 |
| Total Additional Fee Required | | | | \$ 212.00 |

- * Please charge the fee of \$212.00 for the additional claims and provide any extensions of time which may be necessary to Deposit Account No. 13-0014, but not to include any payment of issue fees.

Respectfully submitted,

MAGINOT, MOORE & BECK



Michael D. Beck
Attorney for Applicants
Registration No. 32,722

July 16, 2004
Maginot, Moore & Beck
Bank One Tower/Center
111 Monument Circle, Suite 3000
Indianapolis, Indiana 46204-5115
(317) 638-2922 telephone
(317) 638-2139 facsimile